

Green, LindaE

From: Matthews, Jean M. <jmatthews@campbell-trial-lawyers.com>
Sent: Tuesday, August 29, 2017 10:11 AM
To: Group R5Foia; FOIA HQ
Cc: Grunert, John A.
Subject: Freedom of Information Act Request
Attachments: 2017.08.29 LT Regional FOI Officer and National FOI Officer in re FOIA R....pdf

Dear Sir or Madam:

Attached please find correspondence that was sent out via First Class Mail to you today. Thank you.

Jean

Jean M. Matthews

Assistant to Eric M. Apjohn, John A. K. Grunert
and Matthew J. Luring
Campbell Campbell Edwards & Conroy
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BY FIRST CLASS MAIL AND
ELECTRONIC MAIL

August 29, 2017

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, Illinois 60604-3590
r5foia@epa.gov

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, D.C. 20460
hq.foia@epa.gov

RE: Freedom of Information Act Request

Dear Sir or Madam:

I request pursuant to 5 USC §552(a) and 40 CFR §§2.101 and 1.02 that the Environmental Protection Agency provide me at Campbell Campbell Edwards & Conroy, P.C., One Constitution Place, Boston, MA 02129, or at such other reasonably convenient location or locations as we may agree upon, with all of the below-described documents and other materials.

Most of the described documents, except for those described in ¶39, probably are in the possession of EPA's Region 5 office. Some of them, however, may not be in that office's possession. For that reason, and in hopes of expediting EPA's response, I have sent this request both to the Region 5 Freedom of Information Officer and to the National Freedom of Information Officer.

I recognize this is a fairly extensive request, though its length reflects to a considerable extent my effort to be as precise as I can in describing the documents and materials I seek. I want to do whatever I reasonably can do to make the process of responding to it as easy as possible for EPA. Please do not hesitate to call me at 617-241-3173 (direct) or 617-241-3000 (switchboard) or to send me an e-mail at jgrunert@campbell-trial-lawyers.com with any questions or suggestions for easing the process that you may have.



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Abbreviations used in this request:

EPA means the United States Environmental Protection Agency

MDEQ means the Michigan Department of Environmental Quality

GCHD means the Genesee County (Michigan) Health Department

MDHHS means the Michigan Department of Health and Human Services

CDC means the United States Centers for Disease Control and Prevention

All references to the City of Flint are to Flint, Michigan.

Requested Documents and Things

1. All e-mail and paper correspondence dated on or after April 1, 2014 between officials or employees of EPA, including *without limitation*, Miguel Del Toral, Jennifer Crooks, Michael Schock, Darren Lytle, Rita Bair, Nicholas Damato, Heather Shoven, Andrea Porter, Thomas Poy, or Tinka Hyde, and any of the following persons:
 - (a) Howard Croft, formerly Director of Public Works for the City of Flint;
 - (b) James Sygo, Deputy Director, MDEQ;
 - (c) Professor Marc Edwards of Virginia Tech University, limited however to Professor Edwards's activities related to water contamination in the City of Flint or to his activities related to Legionnaire's Disease in the City of Flint, or elsewhere in Genesee County, Michigan;
 - (d) Dr. Mona Hanna-Attisha of Hurley Hospital in the City of Flint, limited however to her activities related to Flint residents' exposure to lead;
 - (e) Any resident of the City of Flint, Michigan, including *without limitation* Ms. Lee-Anne Walters and residents of 4526 Bryant Street, Flint, Michigan, 4614 Bryant Street, Flint, Michigan, 216 Browning Avenue, Flint, Michigan, and 631 Alvord Avenue, Flint, Michigan;



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- (f) Liane Shekter-Smith, formerly of MDEQ;
- (g) Patrick Cook, formerly of MDEQ;
- (h) Stephen Busch, formerly of MDEQ;
- (i) Michael Prysby, formerly of MDEQ;
- (j) Daniel Wyant, formerly of MDEQ;
- (k) Bradley Wurfel, formerly of MDEQ;
- (l) Dr. Eden Wells, MDHHS;
- (m) Nick Lyon, MDHHS;
- (n) Nancy Peeler, formerly of MDHHS;
- (o) Michael Glasgow, formerly a City of Flint employee at the Flint Water Treatment Plant;
- (p) Any employee or representative of Lockwood, Andrews & Newnam, P.C., or Lockwood, Andrews & Newnam, LLC, limited however to correspondence concerning the Flint River or the City of Flint municipal water system;
- (q) Any employee or representative of Rowe Engineering, Inc., limited however, to correspondence concerning the Flint River or the City of Flint municipal water system;
- (r) Gerald Ambrose, formerly an Emergency Manager in the City of Flint;
- (s) Darnell Earley, formerly an Emergency Manager in the City of Flint;
- (t) Dayne Walling, formerly Mayor of the City of Flint;
- (u) Adam Rosenthal, formerly of MDEQ.



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2. All memoranda, summaries, and reports prepared by EPA officials or employees concerning, in whole or in part, proceedings at a March 5, 2015, Technical Advisory Committee meeting convened by the City of Flint.
3. All notes, memoranda, and audio recordings prepared by EPA officials or employees who attended a March 5, 2015, Technical Advisory Committee meeting convened by the City of Flint concerning events and discussions that occurred during that meeting.
4. All agendas, reports, data, memoranda, summaries, and other documents that EPA officials or employees who attended a March 5, 2015, Technical Advisory Committee meeting convened by the City of Flint received in preparation for, during, or otherwise in connection with that meeting.
5. All e-mails sent or received by EPA officials or employees concerning a March 5, 2015, Technical Advisory Committee meeting convened by the City of Flint.
6. All photographs, videotapes, and audio recordings that were taken, and all notes, memoranda, and sketches that were made by Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits at any time to the home of the Flint resident referenced in the second paragraph of the section entitled Background Information of Miguel Del Toral's Final Report dated October 21, 2015, concerning high lead levels in the City of Flint. [Prints or digital copies, not just black-and-white photocopies, of the photographs and videotapes should be provided.]
7. All physical evidence, including *without limitation* water samples, pipe sections, valves, water filters, water filter cartridges, scale or debris from pipes or plumbing fixtures, and particles or other debris from water heaters, plumbing fixtures, pipes, filters, filter cartridges, or aerators, that was collected by Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits at any time to the home of the Flint resident referenced in the second paragraph of the section entitled Background Information of Miguel Del Toral's Final Report dated October 21, 2015, concerning high lead levels in the City of Flint.
8. All photographs, videotapes, and audio recordings that were taken, and all notes, memoranda, and sketches that were made by Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits at any time to the "two homes on Bryant Street" referenced in the first paragraph on page 5 of 25 of Miguel Del Toral's Final Report



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- dated October 21, 2015, concerning high lead levels in the City of Flint. [Prints or digital copies, not just black-and-white photocopies, of the photographs and videotapes should be provided.]
9. All physical evidence, including *without limitation* water samples, pipe sections, valves, water filters, water filter cartridges, scale or debris from pipes or plumbing fixtures, and particles or other debris from water heaters, plumbing fixtures, pipes, filters, filter cartridges, or aerators, that was collected by Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits at any time to the "two homes on Bryant Street" referenced in the first paragraph on page 5 of 25 of Miguel Del Toral's Final Report dated October 21, 2015, concerning high lead levels in the City of Flint.
 10. All photographs, videotapes, and audio recordings that were taken, and all notes, memoranda, and sketches that were made Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits to the City of Flint at any time between April 1, 2014, and December 31, 2016, for the purpose of evaluating possible contamination of or regulatory non-compliance of the City of Flint municipal water supply. [Prints or digital copies, not just black-and-white photocopies, of the photographs and videotapes should be provided.]
 11. All physical evidence, including *without limitation* water samples, pipe sections, valves, water filters, water filter cartridges, scale or debris from pipes or plumbing fixtures, and particles or other debris from water heaters, plumbing fixtures, pipes, filters, filter cartridges, or aerators, that was collected by Miguel Del Toral, Jennifer Crooks, or any other EPA employee during visits they made to the City of Flint for the purpose of evaluating possible contamination of or regulatory non-compliance of the City of Flint municipal water supply.
 12. All recordings, notes, summaries, and transcripts of the March 19, 2015 telephone conversation between EPA and a resident of the City of Flint that is referenced in the paragraph that begins at the bottom of the first page of Miguel Del Toral's Final Report dated October 21, 2015, concerning high lead levels in the City of Flint.
 13. The medical reports referenced in the second-to-last paragraph on page 3 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
 14. The reports of the blood lead level testing referenced in ¶¶2.a., 14.a., and 21.a. of the Timeline of Events that was attached to Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."

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15. The "instructions provided by the City of Flint to residents" referenced at the end of the third full paragraph on page 2 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
16. The MDEQ lead compliance sampling guidance to which reference is made near the end of the last full paragraph on page 2 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
17. All paper and electronic communications generated before January 1, 2016, in which, as stated in the last full paragraph on page 2 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report," EPA raised with MDEQ EPA's concerns "regarding the inclusion of 'pre-flushing' in sampling instructions used by the public water systems in Michigan."
18. All paper and electronic communications generated before January 1, 2016, in which, as stated in the last full paragraph on page 2 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report," MDEQ indicated to EPA that it was continuing to include a 'pre-flushing' recommendation in its lead compliance sampling guidance."
19. The U.S. EPA memorandum signed on December 23, 2004, to which reference is made in numbered ¶3 on page 5 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
20. All reports and memoranda generated in the course of any "review of the compliance status of the City of Flint" conducted by EPA as recommended in the first sentence of numbered ¶2 on page 5 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
21. All reports and memoranda generated in the course of any review by EPA of "whether relevant resident-requested samples are being included by the City of Flint in calculating the 90th percentile compliance value for lead" as recommended in the first sentence of numbered ¶3 on page 5 of 5 of Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
22. Any copy in EPA's possession of the video referenced in ¶10.a. of the Timeline of Events that was attached to Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."



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23. The voicemail referenced in the first sentence of ¶19.a. of the Timeline of Events that was attached to Miguel Del Toral's June 24, 2015, Memorandum on the subject of "High Lead Levels in Flint, Michigan -- Interim Report."
24. All notes, memoranda, reports, summaries, transcripts, and recordings of the interviews of "staff and officials in EPA Region 5" to which reference is made in the section entitled "Scope and Methodology" of Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
25. All notes, memoranda, reports, summaries, transcripts, and recordings of the interviews of "staff from the Michigan Department of Environmental Quality (MDEQ), former and current employees of the city of Flint, and Flint residents" to which reference is made in the section entitled "Scope and Methodology" of Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
26. The criteria documents to which reference is made in the section entitled "Scope and Methodology" of Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
27. The "many documented complaints from Flint residents" to which reference is made in the subpart entitled "EPA Region 5 Had Sufficient Information and the Authority to Issue an Emergency Order in June 2015, but Did Not" of the section entitled "Results and Review" in Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
28. All notes, memoranda, reports, and summaries of, and all e-mail communications reflecting, EPA's discussion of "the issue with the state" or EPA's offer to the state of "technical assistance" to which reference is made in the subpart entitled "EPA Region 5 Had Sufficient Information and the Authority to Issue an Emergency Order in June 2015, but Did Not" of the section entitled "Results and Review" in Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
29. All notes, memoranda, reports, minutes, and summaries of, and all e-mail communications reflecting, EPA Region 5's formal briefing of OECA to which reference is made in the subpart entitled "EPA Region 5 Had Sufficient Information and the



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- Authority to Issue an Emergency Order in June 2015, but Did Not" of the section entitled "Results and Review" in Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
30. All paper and electronic correspondence and memoranda between officials in EPA's OECA and officials at EPA Region 5 concerning OECA's recommendation, which is referenced in the subpart entitled "EPA Region 5 Had Sufficient Information and the Authority to Issue an Emergency Order in June 2015, but Did Not" of the section entitled "Results and Review" in Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
 31. All notes, memoranda, reports, minutes, and summaries of, and all e-mail communications reflecting, the continued discussion between OECA and EPA Region 5 leadership "as these events unfolded" to which reference is made in the subpart entitled "EPA Region 5 Had Sufficient Information and the Authority to Issue an Emergency Order in June 2015, but Did Not" of the section entitled "Results and Review" in Report No. 17-P-0004, "Management Alert: Drinking Water Contamination in Flint Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public."
 32. All primacy agreements between EPA and the State of Michigan related to enforcement of the federal Safe Drinking Water Act or standards and regulations issued pursuant to that statute.
 33. All National Pollutant Discharge Elimination System data related to water distributed through the City of Flint's municipal water distribution system.
 34. All data generated since January 1, 1992, by Lead and Copper Rule testing of drinking water in the City of Flint.
 35. All Freedom of Information Act requests related to contamination of water, air, or soil in the City of Flint that EPA has received since January 1, 2014.
 36. All formal notices issued by EPA to the City of Flint or MDEQ of violations by the City of Flint of any provisions of the Lead and Copper Rule.



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37. All noncompliance letters issued by EPA to the City of Flint or to MDEQ with respect to any violations by either of them of provisions of the federal Safe Drinking Water Act.
38. All complaints and reports of complaints received by EPA before April 25, 2014, concerning water in the City of Flint.
39. The final report and all preliminary and interim reports of the investigation into missing documents at EPA Region 4 Lead and Asbestos Section, Chemical Safety and Enforcement Branch (OIG Case No. OI-AT-2015-CAC-0031).
40. All paper and electronic communications between EPA and MDEQ generated before April 25, 2014, concerning the City of Flint's intended switch to the Flint River as the source for its municipal water supply.
41. All paper and electronic communications between EPA and MDEQ generated before April 25, 2014, concerning upgrades or proposed upgrades to the City of Flint Water Treatment Plant.
42. All paper and electronic communications between EPA and MDEQ concerning corrosion control measures instituted, or to be instituted, or recommended to be instituted, at the City of Flint Water Treatment Plant.
43. All paper and electronic communications between EPA and Virginia Tech University's Professor Marc Edwards, or persons working with him, concerning research and investigations conducted by Professor Edwards and his team in the City of Flint on or after April 25, 2014.
44. All photographs and videotapes provided to EPA by Virginia Tech University's Professor Marc Edwards, or persons working with him, concerning research and investigations conducted by Professor Edwards and his team in the City of Flint on or after April 25, 2014. [Prints or digital copies, not just black-and-white photocopies, of the photographs and videotapes should be provided.]
45. All physical evidence provided to EPA by Virginia Tech University's Professor Marc Edwards, or persons working with him, concerning research and investigations conducted by Professor Edwards and his team in the City of Flint on or after April 25, 2014.



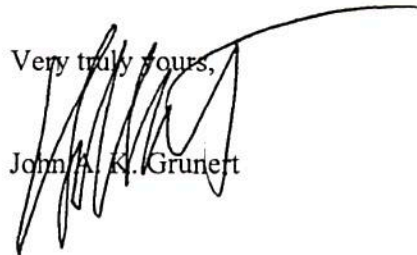
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46. All data, analyses, reports of interviews, and test results provided to EPA by Virginia Tech University's Professor Marc Edwards, or persons working with him, concerning research and investigations conducted by Professor Edwards and his team in the City of Flint on or after April 25, 2014.
47. All memoranda, minutes, and summaries of meetings between EPA and Virginia Tech University's Professor Marc Edwards, or persons working with him, concerning contamination of the municipal water supply in the City of Flint.
48. Documents sufficient to identify all toxic waste sites within the City of Flint known to EPA to be contaminated with, among other things, lead.
49. All reports received by EPA between January 1, 1992, and January 1, 2017, from the City of Flint or from MDEQ concerning site selection plans for Lead and Copper Rule testing in the City of Flint.
50. All reports and memoranda prepared by EPA between January 1, 1992, and January 1, 2017, concerning site selection plans for Lead and Copper Rule testing in the City of Flint.
51. All notices, orders, and other documents issued by EPA to MDEQ or to the City of Flint between January 1, 1992, and January 1, 2017, approving or disapproving site selection plans for Lead and Copper Rule testing in the City of Flint.
52. All notices, orders, and other documents issued by EPA to MDEQ or to the City of Flint between January 1, 1992, and January 1, 2017, requesting or requiring amendments to site selection plans for Lead and Copper Rule testing in the City of Flint.

Thank you for your assistance.

Very truly yours,

John A. K. Grunert

A handwritten signature in black ink, appearing to read "John A. K. Grunert", written over the printed name.